ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

MEETING OF THE

UNDERGROUND STORAGE TANK POLICY COMMISSION

Phoenix, Arizona February 27, 2008 9:00 a.m.

Location: 1110 W. Washington Room 250 Phoenix, Arizona

REPORTED BY: Deborah J. Worsley Girard Certified Reporter Certificate No. 50477 WORSLEY REPORTING, INC. Certified Reporters P.O. Box 47666 Phoenix, AZ 85068-7666 (602) 258-2310

Fax: (602) 789-7886

(Original)

1 INDEX FOR THE AGENDA ITEMS 2 **AGENDA ITEMS: PAGE** 1. CALL TO ORDER AND ROLL CALL 4 3 4 2. APPROVAL OF MINUTES FROM December 12, 2007 5 **MEETING** 5 3. RECOGNITION OF CONTRIBUTIONS FROM PREVIOUS 5 COMMISSION MEMBER, ANDREA MARTINCIC 6 4. ADEQ UPDATES 6 7 5. DISCUSSION OF RECENT LEGISLATURE AND RULES 12 AFFECTING THE UST PROGRAM 8 A. HB2425 (2005 FEDERAL ENERGY ACT 12 IMPLEMENTATION) 9 B. MNA/NFA RULES 20 C. OTHER 22 6. EVALUATION SUBCOMMITTEE UPDATE 10 30 11 7. TECHNICAL SUBCOMMITTEE UPDATE 34 A. JANUARY 9, 2008 TECHNICAL SUBCOMMITTEE 12 **MEETING** 8. GENERAL CALL TO THE PUBLIC 39 13 9. SUMMARY OF MEETING ACTION ITEMS 39 14 10. DISCUSSION OF AGENDA ITEMS AND SCHEDULE FOR 44 NEXT COMMISSION MEETING 15 44 11. ANNOUNCEMENTS: 16 A. NEXT POLICY COMMISSION MEETING IS SCHEDULED TO BE HELD ON March 26, 2008, AT 9:00 A.M. IN ROOM 250 AT ADEQ LOCATED AT 1110 W. 17 WASHINGTON, PHOENIX, ARIZONA 12. ADJOURN 44 18 19 20 21 22 23 24

COMMITTEE MEMBERS PRESENT: Gail Clement, Chair Philip McNeely William (Bill) Bunch Catherine Chaberski Jon Findley Manoj Vyas Karen Gaylord Theresa Kalaghan Joseph Mikitish Michael O'Hara

1 PROCEEDINGS

- 3 CHAIRPERSON CLEMENT: Good morning everybody. I
- 4 think we're all here, all of the Commission Members that
- 5 are planning on attending today. Welcome to the
- 6 February 27th, 2008 UST Policy Commission meeting.
- We will start roll call with Mr. Michael O'Hara.
- 8 MR. O'HARA: Mike O'Hara.
- 9 MS. CHABERSKI: Catherine Chaberski.
- 10 MR. MIKITISH: Joe Mikitish.
- 11 MS. KALAGHAN: Theresa Kalaghan.
- MR. MC NEELY. Philip McNeely.
- 13 CHAIRPERSON CLEMENT: Gail Clement.
- 14 MS. GAYLORD: Karen Gaylord.
- 15 MR. VYAS: Manoj Vyas.
- MR. BUNCH: Bill Bunch.
- 17 MR. FINDLEY: John Findley.
- 18 CHAIRPERSON CLEMENT: I think we've got a good
- 19 attendance this morning. We're only missing one member,
- 20 and it's great to have everybody together to start the new
- 21 year.
- The first order of the day is approval of the
- 23 December 12th, 2007 meeting minutes.
- 24 Did everybody receive the meeting minutes? I
- 25 sent them out again. Yes?

- 1 Did everybody have a chance to review them?
- 2 MR. BUNCH: Sure.
- 3 CHAIRPERSON CLEMENT: Any comments, changes,
- 4 edits that we would want to propose?
- Is there a motion to approve the December 12th,
- 6 2007 meeting minutes?
- 7 MS. CHABERSKI: Motion to approve.
- 8 CHAIRPERSON CLEMENT: Second?
- 9 MR. VYAS: Second.
- 10 CHAIRPERSON CLEMENT: Second from Manoj.
- Okay. Let's have a roll call. All in favor of
- 12 approving the December 12th, 2007 meeting minutes?
- 13 (Chorus of ayes.)
- 14 CHAIRPERSON CLEMENT: Anybody opposed?
- Okay. The UST Policy Commission December 12th,
- 16 2007 meeting minutes have been approved.
- Our next agenda item -- it should not be on here,
- 18 so we will just skip that because we do not have the
- 19 previous Commission Members here, so we will just skip
- 20 that, and then we will just reach out to the ADEQ update
- 21 with Mr. McNeely.
- You want to start with the program updates or
- 23 start with the scheduling of the recent legislation?
- MR. MC NEELY: I will start with program updates.
- 25 It's in the packet.

- 1 For the program update, I will start out off the
- 2 LUST numbers, then I will do SAF.
- 3 The LUST statistics, we can go through. We had
- 4 two new LUSTs reported in January, and we closed 12. We
- 5 have cumulative 1300 open LUST sites still, and out of
- 6 those about 1200 are SAF eligible, and that corresponds to
- 7 about 600 facilities, so we still have 600 facilities, and
- 8 about 400 of groundwater sites, so we still have 400
- 9 groundwater sites that we need to get cleaned up.
- 10 As you can see, our closures are slowing down,
- 11 and our reported releases are slowing down, too, so we've
- 12 only closed less than 80 for the year, and last year --
- 13 every year we've been closing 3, 400, so we expect it to
- 14 slow down a little bit, because most of the sites are
- 15 groundwater sites.
- 16 In terms of corrective action documents pending
- 17 review, we only have 17 documents in our files right now,
- 18 so really it's slowed down quite a bit in terms of
- 19 submittals. We are doing full case management trying to
- 20 actually go out to the sites and push these sites through,
- 21 meeting with the owner/operators, trying to get them to
- 22 keep pushing to get it closed before 2010.
- Our MTCP program, our Municipal Tanks Closure
- 24 Program, it's still moving strong. It remains 147 tanks
- 25 reviewed, but we have a lot of applications in-house and

- 1 we have a full-time person looking for these abandoned
- 2 tanks across the whole state now.
- 3 And then our school assistance initiative, there
- 4 was a couple of press releases in the summertime. We had
- 5 19 schools that had open LUST numbers and 47 schools that
- 6 have operating USTs. We went to every school that had an
- 7 operating UST and gave them compliance assistance, what to
- 8 inspect, we taught them how to run their systems, about
- 9 having to prevent releases.
- And then the 19 LUSTs at schools, a few of those
- 11 got closed, but quite a few, about five of them are coming
- 12 into the state lead and two of them just got awarded in
- 13 Yuma, so a lot of these schools, really, they don't have
- 14 the resources to manage a contractor, so we are pushing
- 15 hard to try to get them cleaned up while the SAF is still
- 16 available. So that's going pretty well.
- 17 And we have three more applications pending for
- 18 state lead. And we met with all of the LUST sites at the
- 19 schools, make sure they knew how to get through while the
- 20 money's available, so that's been a pretty good mission,
- 21 and I think it's been helpful for the schools considering
- 22 they are hurting for money, everybody is hurting for money
- 23 right now, so I think it's a good program.
- 24 And the Monitored Natural Attenuation Rule and
- 25 NFA Rule went into effect in February, so this month it

- 1 went into effect. I will talk a little bit more about
- 2 that as I go through the legislative updates.
- 3 On State Assurance Fund, the trend is remaining
- 4 the same. In January we received 59 applications. As you
- 5 can see, ever since September when we passed -- last
- 6 September we actually passed a bill, so we only have one
- 7 application per month per facility. We used to get over
- 8 100, 110 every single month of SAF applications. Now it's
- 9 dropped to -- over the last three months -- 74, 55, 59, so
- 10 we expect it to be steady around 60, 70 range. And we're
- 11 still reviewing more than we get in. We reviewed 78 this
- 12 last month, received 59. So, as you can see, our total
- 13 applications in-house, 148, and none of those applications
- 14 are exceeding 90 days. I think that's probably the first
- 15 time in history since we've had SAF that we've actually
- 16 been down to 140 and actually processing them within a
- 17 90-day time period.
- The appeals are still relatively high. If you
- 19 want to turn the page, we had 46 informal appeals in
- 20 January. And I'm going to point this one out. If you
- 21 look at the numbers, we had 23 in December, 46 in January,
- 22 and you may wonder like why is that.
- The process, the informal appeal process really
- 24 is just meant to be informal, so if we are missing
- 25 something, that's the process, they can give us more

- 1 information. So I think that's not really a good judge if
- 2 applicants are doing a good or we're doing a good job. I
- 3 think once you get a formal appeal, it's a little more of
- 4 a process, so in the formal appeals, they are relatively
- 5 low and they've been low, so it's an indicator.
- 6 CHAIRPERSON CLEMENT: One question that has come
- 7 up repeatedly, Mr. McNeely, is that when you have a
- 8 determination of SAF Rule that could have an applicability
- 9 to other sites, how do you make that, maybe not policy,
- 10 but how do you make that determination apply to other
- 11 sites and how do you train people regarding your
- 12 decision-making?
- MR. MC NEELY: Yeah. I think you're probably
- 14 referring to the O&M type operation of maintenance of
- 15 facilities.
- 16 CHAIRPERSON CLEMENT: Just because there are so
- 17 many, there must be some of these determinations, I
- 18 assume, that are more programmatic versus just facility
- 19 specific, and how do you resolve that?
- MR. MC NEELY: Most of them really are just
- 21 facility specific. They forgot to include an invoice or
- 22 they didn't show proof of payment, something like that.
- 23 Most of them are paperwork type of things. They are
- 24 pretty easy. They get 45 days and a lot of times it just
- 25 takes a little longer.

- 1 The programmatic stuff is really the meetings
- 2 that we have in these Technical Subcommittee meetings. If
- 3 you are below 25 percent for an O&M for a system, how do
- 4 you prove that, how do you get paid for that, or how many
- 5 O&M visits, things like that. I think we do try to have
- 6 conversations in these committees, but really there is not
- 7 a whole lot of programmatic stuff that we haven't talked
- 8 about. It seems it's paperwork or sloppy applications
- 9 maybe in some cases.
- 10 CHAIRPERSON CLEMENT: Thank you.
- 11 MR. MC NEELY: Okay. In terms of our personnel,
- 12 the Governor did come out with a hiring freeze. She
- 13 signed it on the 21st. That was last week. And it's for
- 14 all funding. It's not just general funds, but all
- 15 funding. So there is an opportunity to submit, if there
- 16 are critical positions that you need to submit to DOA,
- 17 Department of Administration, and they can approve that.
- But really, UST, SAF, I don't think we have
- 19 critical positions. All of our section managers, unit
- 20 manager positions are filled, so I think we will not be
- 21 hiring any new people for at least until this year's
- 22 budget has been determined, because there is a \$1.2
- 23 billion deficit, and next year, at that point, once we
- 24 have a budget, we will be allowed to hire whatever the
- 25 budget allows. But right now there will be no more

- 1 hiring.
- 2 But as you can see, we're pretty much keeping up
- 3 with the work load, so it's not critical to us. It's more
- 4 critical to other programs.
- 5 CHAIRPERSON CLEMENT: How does the overall budget
- 6 affect you? Are you going to address that in your next
- 7 meeting regarding the legislation?
- 8 MR. MC NEELY: Yes.
- 9 CHAIRPERSON CLEMENT: Okay.
- MR. MC NEELY: I'm saving it for the other.
- 11 CHAIRPERSON CLEMENT: I'm sorry.
- MR. MC NEELY: Any other questions?
- MR. BUNCH: Mr. McNeely, if you were to lose a
- 14 critical position or lose an employee, do you have the
- 15 ability to backfill or does that have to be approved as
- 16 well?
- MR. MC NEELY: You can't do any lateral moves
- 18 from internal promotions or pay raises, or anything like
- 19 that. They just put a moratorium on all types of
- 20 personnel actions.
- 21 MR. BUNCH: So if somebody leaves today, you are
- 22 pretty much left with a hole?
- MR. MC NEELY: Yes. But what we're trying to do
- 24 is, the Agency has an opportunity to submit critical
- 25 positions to the Department of Administration, so we may

- 1 put in there critical positions are section manager level
- 2 or unit manager level or emergency response, or something
- 3 like that, so once they approve that category, if I lose a
- 4 sectional manger, like Tara Rosie resigns, or something,
- 5 if they approve it, I would be able to hire that position.
- 6 But right now we have not sent that memo over to DOA, so
- 7 currently we have no authority to hire lateral positions.
- 8 Hopefully nobody leaves. Okay.
- 9 CHAIRPERSON CLEMENT: Okay.
- MR. MC NEELY: No other questions?
- 11 CHAIRPERSON CLEMENT: Any more questions, any
- 12 other comments?
- Go to the next.
- MR. MC NEELY: All right. Item No. 5, recent
- 15 legislation. House Bill 2425, that's our bill that we
- 16 worked on over the last six months and the Policy
- 17 Commission has approved it. It's to implement the 2005
- 18 Federal Energy Act. We did have a few issues with that
- 19 bill a few weeks ago. There were some stakeholders that
- 20 contacted Representative Barnes, who's chairman of the
- 21 House Environment Committee, saying that they had major
- 22 issues with the bill, so he held it off the agenda.
- 23 Mr. Barnes had a stakeholder meeting and it
- 24 included Susie Stevens from Western States Petroleum and
- 25 Jim White from Arco, VP, was on the phone, and a member of

- 1 the Chamber of Commerce was there, and we talked about it,
- 2 and their issues were they wanted to have an amendment to
- 3 when we do the red tag authority or the stop use, they
- 4 wanted to have a time frame where we actually say when we
- 5 are going to remove the tags when all the requirements are
- 6 met, because they were worried that the operators would be
- 7 sitting there waiting months and months. Basically they
- 8 would be out of business for that time frame.
- 9 So we compromised, and we came up with some
- 10 language. Basically, we just put in there, the director
- 11 shall provide written confirmation as soon as practicable
- 12 to the owner or operator that the requirements of Sections
- 13 49-1003 and 1009 and the rules adopted pursuant to those
- 14 sections have been met.
- 15 So then we also said that we would work with the
- 16 Policy Commission and stakeholders, because we have to
- 17 develop what the tags are going to look like and their
- 18 processing them, so we said we would work with processing
- 19 them, to make either a guidance document or standard
- 20 policy that is sent through the Policy Commission, and
- 21 they were happy with that.
- 22 CHAIRPERSON CLEMENT: They were okay with that?
- MR. MC NEELY: Andrea Martincic of the APMA is
- 24 not happy with that language. She wants either 24 hours,
- 25 5 days, because that's what the guidance document says

- 1 with the EPA guidance document. But EPA guidance
- 2 documents talk about the date. Some states have actually
- 3 removed tags within 24 hours, five days, as an example.
- 4 They don't recommend putting that in the statute, so we
- 5 did not really want to put that in the statute either.
- 6 So, we have this revision. We changed the word
- 7 -- there's another thing in your packet, by the way, if
- 8 you look, under House Bill 2425, there is a -- on the back
- 9 page, there is an amendment. They were concerned over the
- 10 word "new component", and that was when we were saying you
- 11 are putting in new piping and you couldn't use the word
- 12 "piping" because that's already defined, so we had to come
- 13 up with a new term, so we came up with "new component".
- 14 Arco VP Jim White had an issue with that saying
- 15 he thought it was confusing. He didn't know what
- 16 "component" really meant. We defined it in the statute.
- 17 He said it just wasn't real intuitive to him, so we added
- 18 the word "piping component" in between "new", and we did
- 19 that six different places. That's part of the amendment.
- 20 He was happy with it.
- So, the last one dated on the 20th, he went to
- 22 the House Department Committee, Mr. Barnes, and he had the
- 23 bill heard. Susie Stevens of Western States Petroleum
- 24 supported it, and she spoke on behalf of Western States
- 25 Petroleum supporting the bill.

- 1 Andrea Martincic spoke. She said she was
- 2 neutral, but she actually sort of opposed a lot of the
- 3 language that we had, saying she had not had time to run
- 4 it by her members, and then before we actually got to
- 5 speak, they passed it 8-0, so it went right through the
- 6 House Department, and should be going through the full
- 7 house some time this week, then next week hopefully over
- 8 to the Senate.
- 9 I am sure the APMA may have some comments at the
- 10 Senate Committee, so I'm not sure what will come out of
- 11 that, so hopefully it will just keep on sailing through.
- 12 CHAIRPERSON CLEMENT: And part of this process
- 13 will be to -- and this may be where the other subcommittee
- 14 could jump in -- is developing the -- actually what that
- 15 practicability is going to be, what the process is, what
- 16 the expected time frames are, et cetera, so that might be
- 17 a really good idea to move forward in any parallel process
- 18 you would recommend.
- MR. MC NEELY: I think we could do it in the
- 20 committee. I think we are going to have to have
- 21 stakeholder input, really. We need -- the people that --
- 22 the product deliverers need to know what it looks like for
- 23 one, and the owner/operators need to know. We really need
- 24 to have not just consultants but actually people that are
- 25 driving the trucks know what this thing looks like, so

- 1 they need to have input, if we can get them to the table
- 2 somehow, because we invite everybody and really they don't
- 3 show up so...
- 4 MR. BUNCH: Mr. McNeely, is it fair to say that
- 5 based on Susie Stevens's testimony or her public
- 6 statements that WSPA does fully support the bill now, and
- 7 the only known sort of concern that has been expressed by
- 8 the general public would be the APMA concerns?
- 9 MR. MC NEELY: That's correct. She actually went
- 10 on record supporting the bill, and she spoke on behalf of
- 11 saying it was a good bill and we compromised, and they
- 12 want Arizona to comply with federal law and they supported
- 13 it.
- 14 MR. BUNCH: Good.
- MR. MC NEELY: And APMA did not really oppose it,
- 16 and they said they were neutral, but then their testimony
- 17 was sort of opposing some of it.
- 18 CHAIRPERSON CLEMENT: Ms. Chaberski?
- MS. CHABERSKI: Phil, if it's passed, what do you
- 20 plan on doing, having a big stakeholders meeting to go
- 21 over it, maybe, and then have other stakeholder meetings
- 22 to work on the issues, like the tagging, and stuff like
- 23 that, so it will be outside the subcommittees but a bigger
- 24 stakeholder meeting; is that what you are thinking?
- 25 MR. MC NEELY: I think we would probably have

- 1 stakeholder meetings initially, but I think then we would
 - 2 run the results and hopefully have participation, and then
 - 3 it would finally come through the Policy Commission.
 - 4 MS. CHABERSKI: So it would funnel this way?
 - 5 MR. MC NEELY: Right.
 - 6 CHAIRPERSON CLEMENT: Let me be clear because I
 - 7 didn't have that correctly. You are thinking that this
 - 8 will be separate -- the stakeholder meeting will be
 - 9 separate from the Commission meeting, or were you thinking
 - 10 that it will be part of Mr. Bunch's subcommittee?
 - MR. MC NEELY: I think it would be not separate
 - 12 and parallel, but before the subcommittee meeting, we
 - 13 would probably have a stakeholder meeting and come up with
 - 14 a plan, and then probably have a subcommittee meeting just
 - 15 to hash it out to see if it would be supported by the
 - 16 Policy Commission. So it would be sort of what we did
 - 17 with the MNA Rule. It takes a lot of meetings to hash out
 - 18 this stuff and that would probably be in the subcommittee
 - 19 for approval or recommendations.
 - 20 CHAIRPERSON CLEMENT: Any comments or discussions
 - 21 on that?
 - MR. BUNCH: The only thing I was going to
 - 23 suggest, if it would help the general cause, would be to
 - 24 -- the parallel approach, you have some error in that you
 - 25 might get different folks participating in a subcommittee

- 1 versus stakeholders. My experience was, there were a lot
- 2 of stakeholder meetings with respect to the bill language,
- 3 and yet at the last minute we had another group of people
- 4 with concerns, and maybe we can sort of reach out and grab
- 5 everybody if we go down two parallel paths, maybe even
- 6 bring, you know, some of the subcommittee comments into
- 7 the stakeholder meeting if that's appropriate. I'm not
- 8 sure if it would be, but that's certainly -- it seems like
- 9 more is better with these issues.
- MR. MC NEELY: We're up for anything, really. If
- 11 the subcommittee wants to take that challenge and pursue
- 12 that, you know, we're all for the help, because I think,
- 13 you know, the Policy Commission is behind this bill. I
- 14 think we have a pretty good stakeholder process, so I
- 15 don't know how controversial it will be. It's just
- 16 getting the details worked out.
- MR. MIKITISH: In terms of the committee
- 18 meetings, it's really just a matter of getting the proper
- 19 notice out ahead of time, making sure that everybody knows
- 20 which body is meeting at which time.
- MR. BUNCH: I think the concern would be if we do
- 22 have some recommendations, is it appropriate to share
- 23 those recommendations in a stakeholder meeting when you
- 24 might be sort of having a -- sort of an impromptu
- 25 commission meeting, or something? Are we going to violate

- 1 that in a no meeting rule without public notice?
- 2 MR. MIKITISH: I mean, we need to think through
- 3 that, but if the plan was to have folks from the
- 4 subcommittee or the Commission as a whole meet, we might
- 5 want to notice it that way, so we can talk through the
- 6 issues when we get to that point and figure out what body
- 7 is it that is really meeting, and if you need to do them
- 8 jointly, that's not a problem.
- 9 CHAIRPERSON CLEMENT: And we have done that in
- 10 the past when Mr. McNeely was either unsure or confident
- 11 that there would be a Commission quorum, he's noticed them
- 12 simultaneously in both ways.
- One thing that as a Commission, we could talk
- 14 about the issues that -- or even as a subcommittee, we
- 15 could talk about the issues that were raised to us, but
- 16 unless the Commission meets and votes, basically we can't
- 17 say this is the Commission's position, and that's just the
- 18 distinction, and I think we have to be very clear and very
- 19 careful.
- And we ran into that a little bit this last round
- 21 when I was trying to prepare the comments based on our
- 22 last meeting regarding the legislation. We had subsequent
- 23 information that changed the direction of those comments,
- 24 like we made them more general, so we just have to be
- 25 careful about how we manage the Commission's decisions

- 1 relative to our communication.
- 2 MR. MC NEELY: And the red tag, of course,
- 3 doesn't go into effect if this bill passes until
- 4 January 2009, so we do have time to get going.
- 5 The next thing is the MNA/NFA Rule. I talked
- 6 about that. It's effective on February 2nd. We have not
- 7 sent any of those letters out yet. We do have a list of
- 8 sites that we're going through. Probably a couple of
- 9 dozen I think are eligible. We will start off with a few.
- 10 We haven't really done that yet. We have to notify all
- 11 the water providers, the cities, the neighbors. That's
- 12 actually really a process to do that, so I think we're
- 13 still working on that, trying to get the bullet point
- 14 letter out, how it should sound, things like that, so it's
- 15 a little more difficult to get that out than we thought.
- The concept is easy, but when you actually get
- 17 down to it, it's a little more difficult.
- 18 CHAIRPERSON CLEMENT: One of the things we had
- 19 talked about initially really was that you were going to
- 20 have a training program for the MNA/NFA rules.
- MR. MC NEELY: That's a good question. I have a
- 22 draft agenda, March 18th, Tuesday, from 9 to 11, we want
- 23 to have our -- we are calling it a No Further Action and
- 24 Monitored Attenuation Rule. It's a stakeholder meeting.
- And part of that is, we committed also to talk

- 1 about remedial performance measures, and we actually had
- 2 some issues about professional documents, so how clean is
- 3 clean, how long do you run a system, how do you show when
- 4 your system should be shut down. We wanted to talk about
- 5 that in the same meeting as the MNA Rule, because it's
- 6 almost the same concept. Once you get them the source,
- 7 you can apply for the Monitored Attenuation Program, so we
- 8 want to sort of clarify what we think are the sources.
- 9 CHAIRPERSON CLEMENT: Is your intention during
- 10 that discussion to have it be interactive or have you made
- 11 pretty firm decisions regarding how you view all of those
- 12 issues?
- MR. MC NEELY: Well, it's always interactive
- 14 because Joe will be running it, and he's a very
- 15 interactive type of person.
- But in terms of the issues with the remedial
- 17 system, a lot of that is SAF issues, what we've seen and
- 18 what we'd like to see. All these informal appeals, we
- 19 always have interaction on the floor, so it would be
- 20 better to have that stakeholder right here, so I think it
- 21 will be interactive.
- The MNA process, I mean, that really is. People
- 23 can apply to us and say, hey, we got rid of the source. I
- 24 mean, that's always available once the source is gone or
- 25 not, so I think that will be interactive. And once you

- 1 get into it, it will be a site by site. Every site we are
- 2 ever going to look at, all our managers will get together
- 3 with the case managers, do we think this really is good to
- 4 go, and hopefully on the outside, the stakeholders, the
- 5 consultants and the owner/operators are doing the same
- 6 thing. I think they are.
- 7 CHAIRPERSON CLEMENT: I'm very excited. This is
- 8 probably the newest thing in the program. It's an
- 9 interesting technical push for the program.
- MR. MC NEELY: And we have 400 groundwater sites,
- 11 and I think a good percentage of those may be getting
- 12 close already to be getting for either closure above water
- 13 quality standards or the MNA type program.
- 14 CHAIRPERSON CLEMENT: That's a big step.
- MR. MC NEELY: Questions on any of that?
- 16 CHAIRPERSON CLEMENT: So, is the 18th a firm
- 17 date? Do you think that will be firm, the March 18th
- 18 date?
- MR. MC NEELY: Yes. We have -- it's in Room 250,
- 20 this room, and I think Tuesday -- I'm not sure if that's
- 21 during one of our subcommittee meetings or not, Tuesday 9
- 22 to 11. It is not? Okay. It's a different time.
- Other, on the agenda, that's the part about the
- 24 budget. There are two bills out there you may want to
- 25 look at, House Bill 2837 and Senate Bill 1300, and those

- 1 are budget bills, and they're sweeping lots of money from
- 2 a lot of different programs. They are proposing -- both
- 3 bills are identical, sweeping 28.4 million out of the SAF.
- 4 Because they are trying to come up with a \$1.2
- 5 billion worth of money this year, they are sweeping 1.8
- 6 million out of our DEQ indirect funds, and that pays for
- 7 our IT people, our rent, HR people, things like that, so
- 8 they are taking 1.8 out of the indirect fund. Recycling
- 9 fund, they are taking 1 million. The clean air fund, they
- 10 are taking the entire balance of 6 million, then
- 11 underground storage tanks, 28.4 million.
- Now, currently there is 55 million in the fund.
- 13 That leaves us with about \$27 million, and we are still
- 14 getting 33 million in. So, you know, what I would be
- 15 worried about if we have anything going into the ranking.
- 16 But right now with 27 million, we're good with that,
- 17 because last year we paid out 20 million, so I think we're
- 18 looking okay for this year. Now, next year, there's
- 19 another \$1.8 billion, that's where we're going to really
- 20 start looking at next year.
- 21 CHAIRPERSON CLEMENT: Long-term, if you take 27
- 22 million out now and let's say you take out another X
- 23 million next year, will you have the funding necessary to
- 24 complete the work?
- MR. MC NEELY: Well, there is a couple of ways to

- 1 look at this. SAF applications that have come in, so my
- 2 main concern would be making sure all the claims were
- 3 paid. And if we've got -- even if they take this, we have
- 4 28 million in the balance, and the most we've ever paid
- 5 out is 25 million in one year. I think we're on track
- 6 this year, should they take about 19 million, and we are
- 7 getting less and less sites.
- 8 Assuming the maximum payout we've ever had, 25
- 9 million, if that happens in the next two and a half years,
- 10 that's \$65 million paid out, with the 27 million we have
- 11 right now plus the 33 million that we get every year, we
- 12 will be okay. We will never even have to go into ranking,
- 13 then you can worry about maybe a lot of these sites will
- 14 have a big surge the last year, but I'm not sure how much
- 15 of a surge you can have. I don't think there is enough
- 16 drillers. I just don't think there is enough out there to
- 17 have a \$50 million surge in one year, so, I think we're
- 18 okay.
- And in that penny a gallon tax, even if we had to
- 20 go into ranking on June 30th, by 2010 we didn't have the
- 21 funds to pay all the claims, the penny a gallon keeps
- 22 going to 2013, so I think the risk would be, you have to
- 23 wait a year, but I don't think that's going to happen with
- 24 this first transfer. If they try to do it again, it might
- 25 be an issue to look at.

- 1 CHAIRPERSON CLEMENT: So the Agency's position
- 2 and the program position is 28.4, we're okay with? I
- 3 don't want to put words in your mouth, but I want to be
- 4 sure.
- 5 MR. MC NEELY: This is the House bill and the
- 6 Senate Bill, so it's really not an issue here. I think
- 7 the Governor's Office is negotiating the budget, so I
- 8 don't know what her word is on that. I know that they've
- 9 been fighting it out trying to save some more money, but
- 10 I don't see WQARF in here right now. They have a lot of
- 11 different priorities they are dealing with at the
- 12 Governor's Office, but I have not heard her say it's okay
- 13 to take 28 million.
- 14 CHAIRPERSON CLEMENT: But, let me rephrase the
- 15 question. The Agency is not actively fighting the
- 16 legislature regarding the 28 million?
- MR. MC NEELY: No. We have -- no agencies have
- 18 no authority right now, so the Governor's Office is way
- 19 above all of us.
- 20 CHAIRPERSON CLEMENT: Got it.
- MR. MC NEELY: But to answer your question, 28
- 22 million I think will not hurt the program right now with
- 23 our balance.
- 24 CHAIRPERSON CLEMENT: We will be able to pay out
- 25 claims, pay them on time. We don't look at it as a

- 1 long-term hit because we have the ability to collect it
- 2 until 2013?
- 3 MR. MC NEELY: Right now we have 55 million, and
- 4 the way that it's written, after 2010, you pay your claim.
- 5 Once you have 60 million, that penny-a-gallon tax goes
- 6 away. So what may happen is that penny-a-gallon tax may
- 7 hang out for another year, and then we get 60 million, so
- 8 right now it's really not a detriment to the Agency.
- 9 CHAIRPERSON CLEMENT: Thanks for making that 10 analysis for us.
- 11 MR. MC NEELY: You are welcome.
- MR. BUNCH: You know, in the private sector, we
- 13 have an obligation to, I believe, to accrue or quantify
- 14 liabilities, and I'm wondering if the Department of DEQ
- 15 has an obligation? Don't they have a finite number of
- 16 releases that are fund-eligible? I know you've got a lot
- 17 of data with respect to corrective action. Has the
- 18 department put together sort of an estimate of the
- 19 liability against the foundation of the fund based upon
- 20 the finite number of releases?
- 21 MR. MC NEELY: Informally. There is about 1200
- 22 releases that are SAF eligible. The problem with really
- 23 coming up with a good number is that a lot of those
- 24 releases have already been very near closure.
- 25 MR. BUNCH: Right.

- 1 MR. MC NEELY: A lot of those releases have
- 2 already spent all their SAF coverage. To come up with a
- 3 real good analysis, you'd have to go through every one
- 4 specifically to figure out how much coverage is left, how
- 5 close to closure. So to do it really accurately, it would
- 6 take a long, long time to do; however, just plugging
- 7 numbers in, I took the 1200, and let's say 100,000 per
- 8 site, per soil site, 250,000 per groundwater site, and you
- 9 plug numbers in like that and we look at them, even though
- 10 I think those numbers are high, but a lot of them are very
- 11 close. I think in a year, once we get the MNA Rule going,
- 12 and we actually get a good chunk of these sites, then I
- 13 think we'll have a better idea how much it's going to
- 14 cost.
- 15 CHAIRPERSON CLEMENT: Is part of your mandate to
- 16 do that analysis, so, yes, they will be required to do
- 17 that analysis?
- MR. MC NEELY: And it's due September 2009, so I
- 19 assume that we will be running that through the Policy
- 20 Commission, too.
- And what we've really been waiting for is that
- 22 MNA Rule to come through just so we can see. Once it got
- 23 passed, then we know it's available, so that will help us
- 24 with our liability.
- 25 CHAIRPERSON CLEMENT: Any more other information

- 1 you wanted to share?
- 2 Oh, Bill?
- 3 MR. BUNCH: I have a question. Is that 1.8 your
- 4 support staff and infrastructure, is that going to have a
- 5 detrimental impact on your ability to perform all the
- 6 duties the department has an obligation to perform?
- 7 MR. MC NEELY: Well, it does -- the indirect fund
- 8 hurts all programs equally, so you can't hire IT people,
- 9 and e-mails, when our servers go down, that's what the
- 10 indirect fund pays for.
- 11 So, the file room -- even though our file is safe
- 12 by SAF directly, but the other part, so things like that,
- 13 you may actually feel it. But, it doesn't really --
- 14 directly, SAF is okay, because we're funded by the SAF and
- 15 got our six point some million, so we're fine. But as the
- 16 Agency, things may slow down a little bit if they keep on
- 17 cutting the indirect funds, because that really supports
- 18 everything we do.
- 19 So the answer to the question is, it could, but
- 20 it's hard to say how much that would happen.
- 21 MR. BUNCH: Like those less than private sectors,
- 22 you must grin and bear it, it sounds like.
- MR. MC NEELY: But reality is 1.2 billion in the
- 24 next four months, that's a pretty significant cut, because
- 25 a lot of the money goes to education and stuff that you

- 1 can't really cut, so then you get down to what you can cut
- 2 and there is not a whole lot there to pick from.
- 3 CHAIRPERSON CLEMENT: That's a big number.
- 4 MR. MC NEELY: Right.
- 5 CHAIRPERSON CLEMENT: Big number. So I guess
- 6 we're fortunate that 28.4 was the number they came up with
- 7 since -- for the program, because the 55 -- I mean, it
- 8 could have gone for 50 potentially.
- 9 MR. MC NEELY: And you never know what will
- 10 happen. That's why we've really got to watch this.
- 11 CHAIRPERSON CLEMENT: Could you keep us posted
- 12 perhaps either as a Commission and/or as individuals
- 13 representing groups in the program if we could be of
- 14 assistance, but, if you wouldn't mind keeping us posted on
- 15 the budget process?
- 16 MR. MC NEELY: Okay.
- 17 CHAIRPERSON CLEMENT: Thank you.
- MR. MC NEELY: That's it for my report.
- 19 CHAIRPERSON CLEMENT: Okay. Any other questions
- 20 or comments for Mr. McNeely before we move on?
- Okay. Thanks so much. That was very
- 22 interesting, very informative.
- Then we jump to the Evaluation Subcommittee.
- MR. BUNCH: I hope everyone has a copy. This is
- 25 going to be a very lengthy update.

- 1 Actually, I have nothing to report, so we will
- 2 spare everybody.
- 3 I don't know if this is the right time to talk
- 4 about whether we want to have -- or the timing of a
- 5 potential subcommittee meeting.
- 6 My thought, based on what we observed through
- 7 this HB 2425 process, I don't think it would be harmful to
- 8 have a subcommittee meeting in March, and maybe invite
- 9 some members of the regulated community to express some
- 10 concerns to give them a voice and an opportunity to at
- 11 least start participating and actually help the
- 12 legislative process along. So I would be willing to have
- 13 one to invite folks that may have had some concerns that
- 14 weren't addressed through the amendment, and there is
- 15 always more than one way to skin a cat, and the solutions
- 16 may be to work through this guidance or the actual
- 17 implementation process in the legislation as opposed to
- 18 ineffective legislation. I will throw it out there. I
- 19 would be more than happy to host a meeting.
- MR. MC NEELY: I think that's fine. It may be --
- 21 I am hoping it gets heard next Wednesday, or something,
- 22 the Natural Resources Committee, but I don't think it
- 23 hurts, because I thought they all had a voice, but
- 24 apparently they didn't.
- MR. BUNCH: Or more of a voice. How's that?

- 1 MR. MC NEELY: If you can get them to show up, it
- 2 would be helpful.
- 3 CHAIRPERSON CLEMENT: I think sometimes an
- 4 approach from another party that has similar interests
- 5 versus an approach from the Agency can be helpful, and
- 6 certainly I think we can make that attempt, and I
- 7 appreciate your willingness to do that.
- 8 I mean, we may -- I would suggest we set a date
- 9 and time today for that meeting, and then if for some
- 10 reason the legislation gets pushed off and it's not
- 11 timely, you know, you can always cancel that date and
- 12 time, but I think it's a really good idea permanently.
- So, do you have a preference for when you would
- 14 want to have that meeting? What is your typical -- I
- 15 didn't participate in those meetings very often. We call
- 16 it the former Financial Subcommittee. What was the
- 17 typical date and time? Does anybody recall that?
- MR. MC NEELY: Second Wednesday or something.
- 19 CHAIRPERSON CLEMENT: No. That was the
- 20 Technical.
- 21 MS. CHABERSKI: You gave us a schedule for the
- 22 Technical Subcommittee for the next year, but I don't have
- 23 it with me.
- MR. JOHNSON: I think it was like 2 o'clock on
- 25 Thursday.

- 1 CHAIRPERSON CLEMENT: It sounds like we are open
- 2 to whatever you would prefer.
- 3 MR. BUNCH: I would suggest, then, that we
- 4 propose --
- 5 MS. CHABERSKI: So we're having a meeting in
- 6 March and we haven't decided that. Sometimes they report
- 7 back before.
- 8 CHAIRPERSON CLEMENT: I think we should hold one
- 9 because of the legislative process, we should definitely
- 10 have a March meeting, Policy Commission.
- MR. BUNCH: You know, I would throw out the 13th
- 12 or the 20th. I don't know if that gives people enough
- 13 time. Is that enough time for public notice?
- 14 CHAIRPERSON CLEMENT: Oh, yeah. We can talk over
- 15 the agenda process because I actually want to do that
- 16 today. We only need 24 hours' notice of the actual
- 17 agenda.
- MR. BUNCH: I recommend the 20th, then. If they
- 19 are -- whichever is available.
- 20 CHAIRPERSON CLEMENT: So somebody from DEQ will
- 21 follow-up. And did you want to start that in the
- 22 afternoon like they had previously or do you have a
- 23 preference?
- MR. BUNCH: I have no preference, so we might as
- 25 well stick with what has been historically done.

- 1 CHAIRPERSON CLEMENT: Two p.m.?
- 2 MR. BUNCH: Two p.m. is fine.
- 3 CHAIRPERSON CLEMENT: And I don't think we need
- 4 to vote on that in any way. Do we need to vote on that in
- 5 any way? The consensus is here, that's obvious. There
- 6 will be two basic agenda items following up on the
- 7 legislation. Any other outstanding issues, you may want
- 8 to leave that as an open agenda. And then the second one
- 9 is developing the process of the tags, all of that input
- 10 from those.
- MR. BUNCH: Yeah, I think we have a little bit of
- 12 time. My recommendation would be to look at the
- 13 components of the legislation that are going to roll out
- 14 the soonest that would be affected by department policy or
- 15 -- I think there is no rule pending, but guidance or -- I
- 16 think we can address those issues and red tag would be
- 17 one. I just need to look at the bill again. I think
- 18 training, at least we have a few years, so we probably
- 19 don't want to start that today.
- 20 CHAIRPERSON CLEMENT: Excellent. Good idea.
- 21 Okay. Great. Anything else from the Evaluation
- 22 Subcommittee?
- MR. BUNCH: That is it.
- 24 CHAIRPERSON CLEMENT: Thank you very much. It's
- 25 so great to have people involved.

- 1 Okay. Then we are going to jump to our
- 2 co-chairs, the Technical Subcommittee, Ms. Kalaghan and
- 3 Ms. Chaberski.
- 4 MS. CHABERSKI: Just as a note, there is a copy
- 5 of the meeting minutes on the table from our last meeting.
- 6 MS. KALAGHAN: During the meeting that we had on
- 7 January 9th, we set up the documentation required for SAF
- 8 reimbursement for operation of remediation systems, and
- 9 the primary issue on the table was what is the actual
- 10 documentation that's necessary to get 100 percent
- 11 reimbursement for operational time that's less than
- 12 75 percent.
- And there seems to be some inconsistency with
- 14 what's actually required to document why the time is less
- 15 than 75 percent, specifically when it comes to power
- 16 interruptions. So, what does the operator actually have
- 17 to provide as far as documentation with their SAF package
- 18 to prove that the run time was reduced because there were
- 19 one or more power interruptions.
- And it turns out that it's difficult to get
- 21 documentation from the power companies regarding this.
- 22 Based on the input in this meeting, some consultants have
- 23 managed to negotiate this well and others haven't, and so
- 24 what we concluded was that it would be beneficial if the
- 25 Agency could put in place, if they don't already have it,

- 1 some type of an issue resolution process as communicated
- 2 to all of their staff so they can respond consistently
- 3 when they're evaluating the SAF applications.
- 4 At the same time in the regulated side of the
- 5 fence, that these consultants would have to be a little
- 6 more proactive in making sure that they communicate to
- 7 support these applications with the regulator in what they
- 8 want to support in these applications.
- 9 And also the ADEQ perhaps could communicate more
- 10 so with the, you know, stakeholders regarding the
- 11 notification process for issues when they arise so that
- 12 these things can perhaps be negotiated with the case
- 13 managers, then the adequate documentation can be provided.
- MS. CHABERSKI: Just to tack onto what Theresa
- 15 was saying, there was a discussion about mutual
- 16 accountability, not just the Agency, but the stakeholders,
- 17 and I think just to kind of tack on, it was, for example,
- 18 the Agency has been working within the formal appeals and
- 19 has resolved, and then there is kind of like a consistent
- 20 answer to something, if they could possibly let everyone
- 21 know so that would lessen the burden on DEQ to keep going
- 22 through the same answer with a group, and then the
- 23 stakeholders would know the answer. So it's just kind of
- 24 improved communication and helping all parties so they
- 25 don't have to go through unnecessary work.

- 1 CHAIRPERSON CLEMENT: One thing that came out --
- 2 I did attend this meeting. One thing that came out is
- 3 that the Agency basically is willing to support some of
- 4 the sites. Where this becomes apparently real difficult
- 5 is in the remote sites. And the Agency is willing to
- 6 support or to approve the once-a-month cycle, looking at
- 7 this facility and making sure everything is up and running
- 8 through the SAF funding.
- 9 And the question came up, well, should there be a
- 10 more frequent visit to these remote sites. And I think
- 11 our discussion centered around, it's very site specific,
- 12 and that really should be a negotiated item rather than an
- 13 SAF cost scheduled item, because, as we've seen in this
- 14 program, sometimes once it becomes a cost scheduled item,
- 15 then all sites have twice a month or four times a month
- 16 versus what is actually necessary in terms of site visits.
- So, we didn't want to overstep what, you know,
- 18 could be done, but we also wanted to suggest that there
- 19 could be a communication happening.
- MR. MC NEELY: You want a response from me? Is
- 21 that what you want?
- 22 CHAIRPERSON CLEMENT: I think we're looking for
- 23 that.
- MR. MC NEELY: You are all looking at me. Well,
- 25 this is going to be part of our agenda item on March 18th

- 1 when Joe Drosendahl has that meeting. And I think some of
- 2 your recommendations are going to be talked about, and I
- 3 think that's what the intent was for that meeting to
- 4 discuss this stuff openly.
- 5 And I agree with you. We do approve a cost
- 6 schedule I think it is two times a month, and at the very
- 7 minimum, I think if you put four times a month, they are
- 8 going to go four times a month, so we always say two times
- 9 a month plus additional if it's required, somebody can
- 10 rationalize it.
- MS. CHABERSKI: One other item, and it's kind of
- 12 indirectly stated on the minutes, but the stakeholders
- 13 wanted to change the meeting time to 10 o'clock. Isn't
- 14 that correct? In February we didn't have a meeting. We
- 15 didn't have any agenda items, so we wanted to bring that
- 16 up if we can change it to 10 o'clock, is that a problem
- 17 with the room? And it was a small stakeholder group, so
- 18 if other folks have concerns of the time, I guess e-mail
- 19 Theresa or I, but right now we'd like to meet at
- 20 10 o'clock. They want to go to the office first and come
- 21 out, so we're asking DEQ, can we do that?
- MR. MC NEELY: It's not a problem. I think we
- 23 have the room from 9 to 12, so 10 to 12, and it never
- 24 lasts more than an hour.
- 25 MS. CHABERSKI: Yeah.

- 1 CHAIRPERSON CLEMENT: Depends on who's running
- 2 the meeting. I don't think we will have them last much
- 3 longer than an hour.
- 4 MS. CHABERSKI: So, if it would be okay, then,
- 5 next time we send out an agenda, maybe they can bold it
- 6 out or something so people don't show up at nine, that
- 7 will be helpful. I think everyone is just used to the
- 8 9 o'clock.
- 9 MR. MC NEELY: Say new time.
- MS. CHABERSKI: Same place, new time.
- 11 CHAIRPERSON CLEMENT: Any other points from the
- 12 Technical Subcommittee? Any questions or comments from
- 13 the Technical Subcommittee? Okay.
- We are going to move on, then.
- 15 Let's do -- I guess the next point on here is --
- 16 actually before we do this, there was another agenda item
- 17 that got taken out, and that one didn't, so I just -- can
- 18 I do this? It's the annual report. This is just an
- 19 announcement since it's not on the agenda. We're not
- 20 going to have a discussion, but as Chair, I get to
- 21 announce something.
- The annual report is my responsibility to compile
- 23 from various parties, including DEQ. I have gotten the
- 24 draft materials from DEQ, so over the next 30 days it will
- 25 be my agenda to put that all together, get a draft out to

- 1 the Policy Commission for review. Each of you will review
- 2 that, and I will give you a time period for when you will
- 3 need to respond to me by. If you need a larger time
- 4 period, let me know, a longer time period, let me know.
- 5 Then I will -- then I finalize the document, send it to
- 6 DEQ and DEQ ships it out with cover letters from the
- 7 Commission, so just so you know what's going to be
- 8 happening in the future, and if you would be timely on any
- 9 of the time frames that we provide or at least provide
- 10 input. Thank you.
- Now we will go to the general call to the public.
- 12 Are there any public comments?
- No? Doesn't look like we have any public
- 14 comments.
- Summary of meeting action items. Let's just go
- 16 through this.
- 17 This is an internal one. Phil and I will work
- 18 together to get the recognition out to the previous
- 19 members, actually we have plaques for Theresa and for
- 20 Andrea, and we need to get a cover letter and mail them if
- 21 they're not going to be here for a while.
- Let's see. Mr. McNeely will keep us informed
- 23 regarding the budget process as it affects the UST
- 24 program, if any new things resolve relative to that.
- Mr. Bunch is intending to hold a March Evaluation

- 1 Subcommittee meeting on the 20th. He will send out an
- 2 agenda for that meeting. It will begin at two p.m. at
- 3 DEQ.
- 4 I will work on the annual report, and I will get
- 5 that to the Commission Members.
- 6 Did we want to -- we jumped a little bit on the
- 7 Technical Subcommittee. Is there any reason for any
- 8 interest in the Technical Subcommittee for a meeting this
- 9 next March?
- MS. CHABERSKI: My understanding is, if we don't
- 11 receive any agenda items, then DEQ contacts us in their
- 12 time frame that we need to get it together. We say we're
- 13 not going to have a meeting, so we really have been
- 14 leaving it open until then, and if something comes up,
- 15 then we would notify DEQ that we sent the agenda items.
- 16 CHAIRPERSON CLEMENT: The thing that we have to
- 17 be careful, because the Subcommittee is a portion of the
- 18 Policy Commission, it's awkward, and if it comes to that,
- 19 but we have to put those agenda items back through the
- 20 full Commission to make sure that we're all comfortable
- 21 with having that be, but it doesn't appear that there is
- 22 anything on the table.
- 23 MS. CHABERSKI: No. And if we do, we would send
- 24 it, I guess, to you. I have never received one via
- 25 e-mail, so everything has come up during these meetings.

- 1 CHAIRPERSON CLEMENT: I don't think we expect
- 2 anything new.
- 3 MS. CHABERSKI: But if we do, we would send it to
- 4 the Chair?
- 5 CHAIRPERSON CLEMENT: And then typically, what we
- 6 -- we've had enough, at least historically, we've had some
- 7 very significant technical issues that we basically built
- 8 up a laundry list, and that laundry list then goes to the
- 9 full Commission. We've approved items to be dealt with in
- 10 various ways, including the Technical Subcommittee. We're
- 11 not in that mode any longer. I think there are going to
- 12 be items coming through both of you.
- MS. CHABERSKI: So, what you are saying is that
- 14 the full Commission has to approve the item before we have
- 15 a meeting, so if we get it before the March meeting, we'd
- 16 have to meet in April on that issue?
- 17 CHAIRPERSON CLEMENT: I think that's the way we
- 18 have to do it, if I can look to the attorneys for better
- 19 guidance on that. If that's incorrect, that's what we've
- 20 done in the past is have the full Commission agree to the
- 21 agenda items.
- MS. GAYLORD: I think that if the subcommittee
- 23 has been delegated a particular topic and a new agenda
- 24 item came up that was then the topic that had been already
- 25 delegated, that might be an exception. But because we

- 1 don't have any particular tasks delegated to the
- 2 Subcommittee right now, it seems like any topic you would
- 3 get for the March meeting would be something that would be
- 4 new.
- 5 MS. CHABERSKI: Yeah, unless it was something
- 6 from our last meeting that someone wanted to follow up,
- 7 and what you are saying, that might be an exception, and
- 8 we would still send that to you, saying, we think this is
- 9 a follow-up or we think this is new and should be put on
- 10 the agenda.
- 11 CHAIRPERSON CLEMENT: Thank you. I think that's
- 12 the way we should go.
- 13 MS. CHABERSKI: All right.
- 14 CHAIRPERSON CLEMENT: Okay. We do want to hold
- 15 -- at least hold our March date for our next Policy
- 16 Commission meeting. There is enough going on in terms of
- 17 the legislative efforts and the Evaluation Subcommittee, I
- 18 think we would want to hold that date. And then that's
- 19 all that I had in terms of outstanding items for action.
- MS. CHABERSKI: Just to change the time on the
- 21 web --
- 22 CHAIRPERSON CLEMENT: Change the time on the web.
- MS. CHABERSKI: -- for the Technical
- 24 Subcommittee.
- 25 CHAIRPERSON CLEMENT: Thank you.

- 1 And then just to reiterate how we do this, set up
- 2 an agenda for the Policy Commission agenda, I think it's
- 3 mainly due to the fact that we don't have a consistent
- 4 administrative person right now, but I usually get a
- 5 notice from DEQ, are we having the meeting, what's your
- 6 agenda. I love that, because I get lost in my work and
- 7 sometimes don't get it out.
- 8 So then what I do is, if I haven't participated,
- 9 I may pick up the phone and call one of the Subcommittee
- 10 co-chairs or the Evaluation Subcommittee chair and find
- 11 out any additional agenda items that I'm not aware of, and
- 12 put those agenda items on a draft that goes to ADEQ and
- 13 the Subcommittee Chairs just to be sure that I've captured
- 14 the main stuff that's happened in the last month.
- 15 Once ADEQ and the Subcommittee Chairs review
- 16 that, then I send out a draft to the full Commission
- 17 Members so that any additional agenda items or comments
- 18 they have they provide me. It's the Commission's agenda.
- 19 It's not the Agency's agenda, and so what we have to be
- 20 sure of is when my draft comes back to the Agency, that
- 21 they don't go back to your draft, they come back to the
- 22 Commission draft.
- I noticed this is not the last agenda, at least
- 24 that I looked at, so we just need to be sure of that, and
- 25 if anybody needs more time or any other kind of a process,

1	just let me know, but the idea is to communicate in a
2	sequential logical fashion and have everybody's input.
3	There is nothing beyond that. Okay? Good.
4	Anything else that we need to discuss? Our next
5	meeting is scheduled for March 26th at nine a.m. in this
6	room.
7	And unless there is nothing else, the February
8	27th, 2008 Underground Storage Tank Policy Commission is
9	adjourned.
10	Thank you everybody.
11	(9:59 a.m.)
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	

1	
2	
3	
4	
5	CERTIFICATE
6	
7	I HEREBY CERTIFY that the proceedings had
8	upon the foregoing hearing are contained in the shorthand
9	record made by me thereof and that the foregoing 44 pages
10	constitute a full true and correct transcript of said
11	shorthand record all done to the best of my skill and
12	ability.
13	DATED at Phoenix, Arizona, this 27th day of
14	February, 2008.
15	
16	Deborah J. Worsley Girard Certified Reporter
17	Certificate No. 50477
18	
19	
20	
21	
22	
23	
24	
25	